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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,518	07/24/2003	Craig A. Maurer	10992023-3	2927

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HEWLETT-PACKARD COMPANY
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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,518	Applicant(s) MAURER ET AL.	
	Examiner Heather D. Gibbs	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues Kellogg et al does not teach nor suggest "the media conformance member including an aperture through which the optical path extends without obstruction such that dust or debris can fall through the aperture" nor "the lower document feeder portion including an aperture facing the reference surface, the aperture being formed such that dust or debris can fall through the aperture". Upon further review, the Examiner finds this limitation to be taught in Col 4 Lines 23-39. Kellogg teaches the media chassis, which includes the lower document feeder, extends such that dust or debris can fall through the aperture. Examiner would like to point the applicant's attention to Figure 1.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The media conformance member needs to be claimed as two

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pieces as shown in Figure 2, reference 150. Applicant has not properly disclosed the media conformance member as claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2,4-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kellogg et al (US 5,833,381).

Regarding claim 1, Kellogg discloses A dust tolerant scanner, comprising: a housing including optics which define an optical path between an object focal plane and a sensor focal plane; a document feeder mechanically coupled to the housing, the document feeder including a reference surface positioned adjacent the object focal plane, the document feeder providing a media path through the object focal plane, the document feeder being configured to advance media along the media path; and a media conformance member mechanically coupled to the housing and positioned adjacent the reference surface, the media conformance member including an aperture through which the optical path extends, the media conformance member being formed such that media advanced by the document feeder along the media path is biased toward the reference surface (Fig 1-2; Col 3 Lines 7-10;26-30; Col 4 Lines 27-53).

[Looking at Fig 1, the wall where a gap is between reference 28 and the wall can be examined as being “an aperture through which the optical path extends)

For claim 2, Kellogg teaches wherein the optics includes a mirror positioned at an opposite side of the housing from the object focal plane (Fig 2B).

For claim 4, Kellogg teaches wherein the document feeder is an automatic document feeder (Col 3 Lines 4-10).

For claim 5, Kellogg teaches wherein the media conformance member includes a ramp portion adjacent the aperture (Fig 3).

For claim 6, Kellogg discloses A media scan assembly for a dust tolerant scanner, the media scan assembly comprising: an upper document feeder portion and a lower document feeder portion providing a media path, the upper document feeder portion including a reference surface adjacent the media path, the lower document feeder portion including an aperture facing the reference surface, the lower document feeder portion being configured to be attached to a main housing of the scanner; and at least one drive roller configured to advance media along the media path (Fig 4; Col 5 Lines 23-39; Col 6 Lines 1-20).

Regarding claim 7, Kellogg discloses wherein the upper document feeder portion includes a spring, which mechanically couples the reference surface to the upper document feeder portion (Col 6 Lines 1-20).

Regarding claim 8, Kellogg discloses wherein the upper document feeder portion includes a raised portion adjacent the reference surface (Fig 6-7).

Regarding claim 9, Kellogg discloses wherein the raised portion is positioned after the reference surface along the media path (Figs 6-7).

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Regarding claim 10, Kellogg teaches wherein the reference surface is white (Col 5 Lines 10-12).

Regarding claim 11, Kellogg teaches wherein the lower document feeder portion includes a media conformance member, which biases media advanced along the media path toward the reference surface (Col 5 Lines 23-39).

Regarding claim 12, Kellogg teaches wherein the media conformance member includes at least one ramp portion (Fig 4).

Regarding claim 13, Kellogg teaches wherein the at least one drive roller is mechanically coupled to the lower document feeder portion (Col 5 Lines 50-67).

Considering claim 14, Kellogg teaches A media scan assembly for a dust tolerant scanner, the media scan assembly comprising: an upper document feeder portion and a lower document feeder portion defining a media path, the lower document feeder portion including a media conformance member shaped to push a piece of media against the upper document feeder portion, the media conformance member including an aperture shaped to provide an optical path to the media path; and a media driver configured to reposition media along the media path (Fig 4; Col 5 Lines 23-39; Col 6 Lines 1-20).

Considering claim 15, Kellogg teaches wherein the upper document feeder portion includes a reference surface, which faces the aperture (Fig 6-7).

Considering claim 16, Kellogg teaches wherein the reference surface is substantially uniform in color (Col 5 Lines 23-25).

Considering claim 17, Kellogg teaches wherein the media conformance member includes a top portion facing the reference surface and a ramp portion adjacent the top portion (Figs 6-7).

With respect to claim 18, Kellogg teaches A media scan assembly for a dust tolerant scanner, the media scan assembly comprising: an upper document feeder portion and a lower document feeder portion defining a media path, the upper document feeder portion and the lower document feeder portion being configured to advance media along the media path, the upper document feeder portion including a reference surface, the lower document feeder portion including an aperture facing the reference surface, the media path being configured to push a piece of media in the media path against the reference surface, the aperture providing an optical path to the media path Fig 4; Col 5 Lines 23-39; Col 6 Lines 1-20).

With respect to claim 19, Kellogg discloses wherein the lower document feeder portion includes an angled surface, which is positioned before the reference surface along the media path (Fig 4).

With respect to claim 20, Kellogg discloses wherein the upper portion includes a raised surface with is positioned after the reference surface along the media path (Fig 4; Col 5 Liens 23-39).

Allowable Subject Matter

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Heather D Gibbs
Examiner
Art Unit 2625

hdg



THOMAS D LEE
PRIMARY EXAMINER